



UNITED STATES PATENT AND TRADEMARK OFFICE

cel

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/601,874 | 06/24/2003 | Kiyokazu Ieda | 000409-042 | 1318 |
| 7590 06/28/2005 | | | | |
| BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404 | | | EXAMINER HUANG, SIHONG | |
| | | | ART UNIT 2632 | PAPER NUMBER |

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,874

Applicant(s)

IEDA ET AL.

Examiner

Sihong Huang

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 16, 18, 19 and 21-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 15, 16, 18 and 19 is/are allowed.
6) ☒ Claim(s) 1-6, 13 and 21-26 is/are rejected.
7) ☒ Claim(s) 7-12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed February 28, 2005. As directed by the amendment, claims 14, 17 and 20 are canceled, claims 1, 15, 16, 18 and 19 are amended, and new claims 21-26 are added. Thus, claims 1-13, 15, 16, 18, 19 and 21-26 are presently pending in this patent application with claims 1, 15 and 18 being the independent claims. The substitute specification is approved by the examiner.

2. The claim identifier ("Original") of claim 15 which is amended by the amendment should read as "Currently Amended".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, lines 3-4, "the portable station" lacks antecedent basis.

In claim 22, line 4, "the predetermined time" lacks antecedent basis.

In claim 23, line 5, "the predetermined time" lacks antecedent basis.

In claim 24, lines 3-4, "the portable station" lacks antecedent basis.

In claim 26, lines 5-6, "the predetermined time" lacks antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US 6,648,493 B2).

Regarding claim 1, Klein disclosed a door opening/closing device for a vehicle comprising: a door handle (10) a door lock mechanism (col. 1, lines 7-9), a light-emitting means (33) included in the door handle (see in the figure) and visible from an outside of the door handle (col. 3, lines 40-44) and a control mechanism (col. 2, line 14 and 64, col. 4, line 1) for recognizing (by the electrode sensor 15 integrated in door handle) the opening/closing operation of the vehicle door based upon the operation of the door handle, operating the door lock mechanism so as to unlock (deactivating the lock, col. 2, line 52-53) the vehicle door when the opening operation of the vehicle door is recognized, operating the door lock mechanism so as to lock (activating lock, col. 2, line 52-53) the vehicle door when the closing operation of the vehicle door is recognized, and controlling the light-emitting means (33) to light-emit in response to the operation of the door lock mechanism (col. 2, line 14-16, col. 3, line 37-44). Although the light-emitting means of Klein to light-emit is not in direct response to the opening and closing operation of the vehicle door, the opening and closing operation of the vehicle door often requires the unlocking and locking operation of the door lock mechanism, in which

Art Unit: 2632

situation, the light-emitting means of Klein can be considered to be in response to the opening and closing operation of the vehicle door.

Klein differs from **claim 13** in that Klein does not disclose the light-emitting means is surrounded by a light diffusion resin. Examiner takes Official notice that providing a diffusion resin cover for light source within a vehicle is extremely well known in the art, and it would have been obvious to a person having ordinary skill in the art at the time of the invention to providing such resin cover in order to protect the light.

Regarding claim 21, the control mechanism of Klein also controls the light emitting means to light-emit when the control mechanism recognizes the portable station (data carrier) close to the vehicle (col. 3, lines 42 to col. 4, line 5, and col. 1, lines 52-64). The figure of Klein clearly shows two light sources (33), whether or not to control them individually or simultaneously would have been an obvious design choice. One motivation for doing it individually will be to save power or extend the life of the light source. And therefore, controlling one light source for one condition differently from the others would have been an obvious modification to the device of Klein.

7. Claims 2-6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US 6,648,493 B2) in view of Hara et al. (US 2001/0028297 A1).

Klein disclosed a door opening/closing device for a vehicle as discussed and further disclosed that the control mechanism recognized the vehicle door operating operation based upon the operation of the door handle under a condition that a portable station (data carrier) by a user is closed to the vehicle from a vehicle outside (col. 3, line 42 to col. 4, line 5, and col. 1, lines 52-

Art Unit: 2632

64) and differs from **claim 2** in that Klein does not disclose recognizing of the portable station move from a vehicle inside to the vehicle outside . However, Hara et al teach such (pp 0132 and 0133 and Figs. 5A, 5B and 6). Based on the teaching, it would have been obvious to a person having ordinary skill in the art at the time of the invention to apply the teaching of Hara et al to the device of Klein in order to allow the device to detect both moving conditions of a user who is in possession of the data carrier.

Regarding claim 3, Klein disclosed a first electrode and a second electrode (col. 2, lines 54-65).

Regarding claim 4, all vehicle doors have door switches, Hara et al further teach such switch 28.

Regarding claim 5, the control mechanism of Klein controls the light emitting means to light-emit when the control mechanism recognizes the portable station (data carrier) close to the vehicle (col. 3, lines 42 to col. 4, line 5, and col. 1, lines 52-64).

Regarding claim 6, the figure of Klein clearly shows two light sources (33), whether or not to control them individually or simultaneously would have been an obvious design choice. One motivation for doing it individually will be to save power or extend the life of the light source.

Regarding claim 24, as addressed above in claims 2, 5, 6 and 21, it would have been obvious to an ordinary person skilled in the art at the time of the invention was made to control a light source of the modified device of Klein and Hara for one condition differently from the others in order to conserve power supply and light device life as well as to distinct different conditions.

Allowable Subject Matter

8. Claims 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 22, 23, 25 and 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 15, 16, 18 and 19 are allowed.

Response to Arguments

11. Applicant's arguments filed 2/28/05 have been fully considered but they are not persuasive.

Applicant in the remarks argued that the Klein reference does not disclose a vehicle door opening and closing responsive light-emitting device, but rather a vehicle door locking and unlocking responsive light-emitting device. However, as addressed above in the rejection to claim 1, the opening and closing operation of the vehicle door often requires the unlocking and locking operation of the door lock mechanism, in which situation, the light-emitting means of Klein can be considered to be in response to the opening and closing operation of the vehicle door. The locking/unlocking operation can be if not is a part of the process/operation of opening/closing operation of the vehicle door. Therefore, the claimed language still reads on Klein as explained.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sihong Huang whose telephone number is 571-272-2958. The examiner can normally be reached on Mon & Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (which will be changed to 571-273-8300 starting on July 15, 2005).

Art Unit: 2632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sihong Huang
June 23, 2005


DANIEL WU
SUPERVISORY PATENT EXAMINER

6/25/05